



Brad Jorgensen

Partner

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Brad Jorgensen provides counseling and litigation services to large and small companies on a range of government contract matters at federal, state and local levels.

Brad's practice focuses on providing subject matter support in connection with mergers and acquisitions involving government contractors. His support includes drafting and negotiating transaction documents, leading due diligence reviews, assessing the strength of contractor compliance systems and assisting with integration activities. Often in connection with this work, Brad counsels on national industrial security matters, including strategies for mitigating Foreign Ownership, Control or Influence. His experience in this regard allows for the efficient identification and creative mitigation of risk issues, which facilitates deals and allows our government contractor clients to achieve their business goals.

Additionally, Brad regularly litigates high-stakes bid protests, claims and appeals before the US Government Accountability Office, the US Court of Federal Claims and the Civilian and Armed Services Boards of Contract Appeals. He frequently teaches and publishes on bid protest procedures, theories and strategy.

Brad also has deep experience performing internal compliance audits for government contractors, which enables him to seamlessly provide subject matter and investigation support in defense of procurement fraud allegations, including alleged violations of the False Claims Act.

RELATED SERVICES

- International Trade, Regulatory and Government Affairs

RELATED SECTORS

- Government Contracting

LANGUAGES SPOKEN

Spanish

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- Spanish

CREDENTIALS

Admissions

- District of Columbia

- Texas

Prior Experience

Prior to joining DLA Piper, Brad was an assistant general counsel for the Commercial Law Branch of the Office of General Counsel, Federal Bureau of Prisons, US Department of Justice. While at the Department of Justice, Brad represented the United States in a wide variety of government contract actions, including bid protests at the US Government Accountability Office and claims before the Civilian Board of Contract Appeals and the US Court of Federal Claims. In addition to government contract matters, Brad provided advice on intellectual property, tax and bankruptcy matters impacting the Bureau.

During law school, Brad was a senior research assistant for two professors and a judicial intern for the Honorable Brian "Ted" Stewart of the US District Court located in Salt Lake City, Utah.

Recognitions

- Winner of the 2016 Burton Award for Distinguished Legal Writing

Education

- LL.M., Public Procurement Law, George Washington University 2010
highest honors
- J.D., Syracuse University College of Law 2006
cum laude
Member, *Syracuse Journal of International Law and Commerce*
Lead Articles Editor, *Syracuse Science and Technology Law Reporter*
- B.S., Psychology, Brigham Young University 2002

Courts

- United States Court of Appeals for the Federal Circuit
- United States Court of Federal Claims

Memberships

- American Bar Association, Public Contract Law Section
 - Section Council Member
 - Vice Chair and Former Co-Chair, Bid Protest Committee
 - Vice Chair, Government Contractor Mergers and Acquisitions Committee
 - Former Vice Chair, Debarment and Suspension Committee
 - Former Vice Chair, Procurement Fraud Committee
 - Committee Member: Bid Protest; Commercial Products and Services; Contract Claims and Disputes Resolution; Debarment and Suspension; Ethics, Compliance and Professional Responsibility; Intellectual Property; Procurement Fraud; and Mergers and Acquisitions
- Editorial Board, American Bar Association, *Public Contract Law Journal*
- Professional Services Council
- National Contract Management Association

Teaching Experience

- Guest Lecturer, Georgetown University Law Center, "Bid Protests" and "Judicial Government Contract Remedies" as part of the Government Contracts course - Washington, DC (2014 - 2018)
- Guest Lecturer, University of Illinois: College of Law, "Bid Protests in Federal Procurements" as part of the Introduction to

Government Contracts course - Champaign-Urbana, IL (2013 - 2015)

- Adjunct Professor, "Legal Aspects of Contracting," The Catholic University of America, Metropolitan School of Professional Studies (Summer Term, 2012 and 2015)

INSIGHTS

Publications

SBA creates administrative process for appealing PPP loan decisions

2 September 2020

Under the process, a borrower may challenge written decisions by the SBA regarding ineligibility and loan forgiveness.

CARES Act may offer relief for medical practices, but raises questions for private equity-backed practice management companies

3 April 2020

Medical practices and practice management companies are urged to consider options under the CARES Act.

The future of DOD contracting

1 APR 2019

A review of an array of factors, from commercial buying and cybersecurity to "Other Transaction" authority and the recently established Army Futures Command.

Should I file a bid protest? A checklist of essential questions and considerations

18 SEP 2014

What are the questions a thoughtful CEO or General Counsel should ask when deciding whether to file a bid protest?

- Co-Author, "Government Contractor Mergers & Acquisitions: What To Do With Pending Proposals?," 20-4 Briefing Papers 1, March 2020
- Co-Author, "To File Or Not To File: Key Issues When Deciding To Protest," 15-3 Briefing Papers 1, February 2015
- Co-Author, "Overseas Contracts: Navigating The Compliance Minefield," National Contract Management Association, *Contract Management*, August 2013
- Co-Author, "New DOD Rule Authorizes Withholding of Payments for Deficiencies in Business Systems," National Contract Management Association, *Contract Management*, August 2011
- Co-Author, "Software Maintenance Payments: Don't Let Them Come Back To Bite You," National Contract Management Association, *Contract Management*, December 2010

Events

Previous

DOD contracting: key developments and trends

7 FEB 2019

Reston

- Co-Presenter, "Organizational Conflicts of Interest," General Electric Company, Center of Excellence Webinar Series, Austin, TX (2020)
- Panelist, "The Pre-Award Unavailability of Proposed Key Personnel – Potential Paths Forward," ABA Public Contract Law Section, Bid Protest Committee, Washington, DC (2019)
- Moderator and Panelist, "Representations and Warranties Insurance in Government Contractor M&A: A Look Behind the Curtain," ABA Public Contract Law Section, Mergers and Acquisitions Committee, Washington, DC (2019)
- Moderator, "Innovation in Defense: Partnerships and Investment Opportunities," DLA Piper GovCon Executive Series, Austin, TX (2019)
- Co-Presenter, "Assessment of Section 809 Panel Recommendations," General Electric Company, Center of Excellence Webinar Series, Austin, TX (2019)
- Moderator, "The Future of DOD Contracting: Key Developments and Trends," DLA Piper GovCon Executive Series, Reston, VA (2019)
- Panelist, "Hot Topics and Trends in Bid Protest Practice and Procedure," ABA Continuing Legal Education Webinar, Washington, DC (2018)
- Panelist, "Back to School – Protest Musings and Updates," ABA Public Contract Law Section, Bid Protest Committee, Washington, DC (2017)
- Panelist, "Government Contracts M/A Landscape: Strategies for Identifying and Mitigating Transactional Risk," Marsh's Government Contracting Risk Forum, Tysons Corner, VA (2016)
- Moderator, "Key Diligence Considerations in Connection with Government Contractor Mergers and Acquisitions," DLA Piper GovCon Executive Series, Reston, VA (2016)
- Co-Presenter, "5 W's of Bid Protests," L2 Federal Resources, LLC Webinar, Washington, DC (2013)

NEWS

DLA Piper advises CIRCOR in US\$85 million sale of Reliability Services business to Reladyne

28 JAN 2019

DLA Piper represented CIRCOR International, Inc., a provider of flow control solutions and other highly engineered products for the industrial, energy, aerospace and defense markets, in the sale of its Reliability Services business to an affiliate of Reladyne LLC for approximately US\$85 million.
